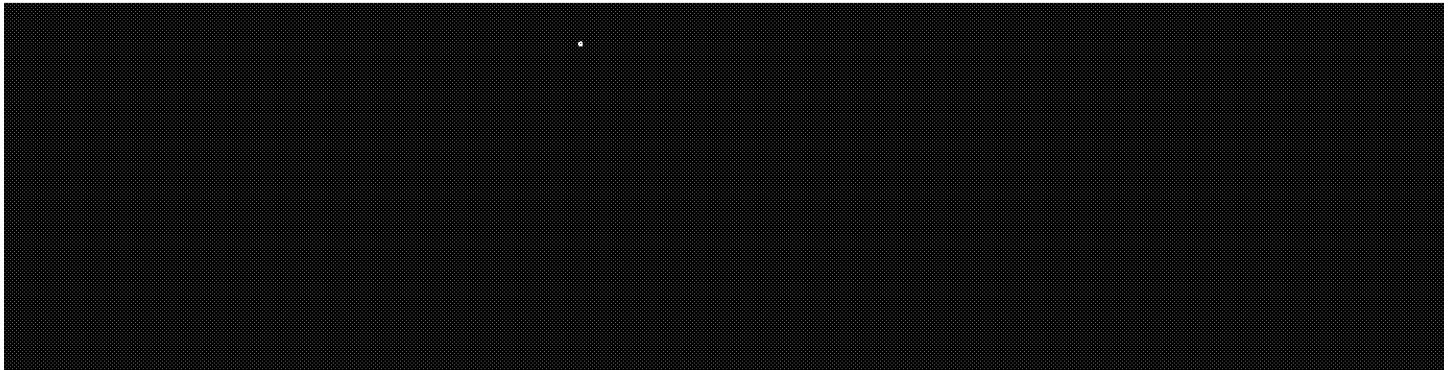


Message

From: Beck, Erik [beck.erik@epa.gov]
Sent: 1/28/2021 3:07:48 PM
To: R1_WD_WSWB_WNP_Watershed_NonPt_Src_Mgmt_Section_Emp_SG
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CC: Cote, Mel [Cote.Mel@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]
Subject: FW: Breaking: Trump EPA's Fast-Track 'Secret Science' Rule Scrapped by Court

Excellent News!

From: Bloomberg Law <bloomberg@bna.com>
Sent: Wednesday, January 27, 2021 10:20 PM
To: Beck, Erik <beck.erik@epa.gov>
Subject: Breaking: Trump EPA's Fast-Track 'Secret Science' Rule Scrapped by Court



Environment & Energy Report

Thursday, January 28, 2021

Trump EPA's Fast Track for 'Secret Science' Rule Nixed by Court

The Trump administration's EPA broke the law when it finalized a "science transparency" rule and made it effective immediately, a federal court ruled Wednesday in a decision that could help the Biden administration scrap the rule.

The U.S. District Court for the District of Montana said the Environmental Protection Agency failed to justify its decision to make the controversial rule take effect right after its publication in the Federal Register, instead of after 30 days, as is typical.

“EPA failed to show a need for urgent implementation when it took more than two-and-one-half years to finalize this regulation,” Chief Judge Brian Morris wrote.

The final rule is ineffective until 30 days after its Jan. 6 publication date, Morris concluded. That means it’s set to take effect Feb. 5, which could give the Biden administration a chance to sideline the regulation.

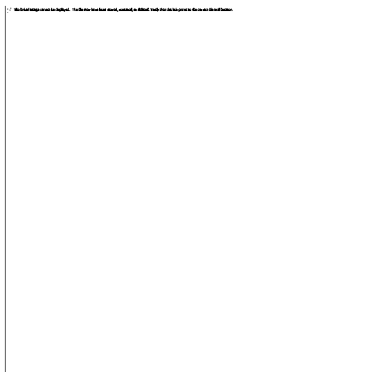
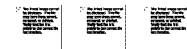
The Strengthening Transparency in Regulatory Science (RIN:2080-AA14) rule limits the EPA’s ability to write regulations that are unpinned by scientific research that can’t be reproduced or is based on underlying data that isn’t public.

The EPA under President Donald Trump framed the rule as a bid to increase transparency, but environmentalists and congressional Democrats argued it was a thinly-veiled attempt to block the agency from writing tough new rules.

The rule marked a distinct departure from longstanding practice. The EPA has historically relied on studies built on data that can’t legally or ethically be made public.

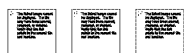
The case is Env’tl Defense Fund v. EPA, D. Mont., No. 4:21-cv-00003, 1/27/21.

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